

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JUDITH SIZEMORE,

Plaintiff,

v.

No. CIV-04-00272 JP/DJS

**STATE OF NEW MEXICO,
NEW MEXICO DEPARTMENT OF LABOR,**

Defendants.

**PLAINTIFF'S UNOPPOSED MOTION TO CONTINUE
HEARING SET FOR MAY 5, 2005**

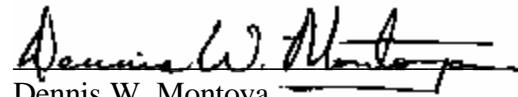
PLAINTIFF, JUDITH SIZEMORE, by and through her attorney of record, Dennis W. Montoya, hereby moves for a continuance of the hearing set for May 5, 2005, at the hour of 11:00 am.

AS GROUNDS IN SUPPORT of her motion, Plaintiff states:

1. Counsel is scheduled to appear in a settlement conference before Judge Scott beginning at 9:00 am on May 5, 2005.
2. Counsel for Defendant is scheduled for Oral Argument in the Tenth Circuit Court of Appeals in Denver Colorado on May 6th and will be leaving immediately after the scheduled settlement conference.
3. Counsel for the Defendant RIC has been contacted and is opposed to the relief requested. Counsel for Defendants Department of Labor, et al, takes no position on the Plaintiff's request.

WHEREFORE, Plaintiff respectfully moves the Court to vacate the hearing set for May 5, 2005, herein, and reschedule to a later date.

Respectfully Submitted:



Dennis W. Montoya
Attorney for Judith Sizemore
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Rio Rancho NM 87174-0235

(505) 246-8499
(505) 246-8599 facsimile

Opposed:

(Telephonic Approval 5-04-05)

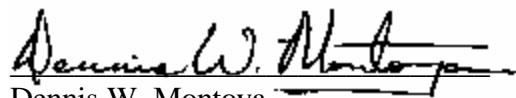
William C. Madison, Esq.
Shannon Parden
Madison Harbour Mroz & Brennan, PA

I HEREBY CERTIFY that a true and correct copy of the foregoing was faxed and mailed to:

William C. Madison, Esq.
Shannon Parden
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Ellen S. Casey
Peter Burman
Hinkle, Hensley, Shanor & Martin, LLP
Post Office Box 2068
Santa Fe, New Mexico 87504-2068

this 4th day of May 2005.


Dennis W. Montoya